

**ASSEMBLY BILL**

**No. 868**

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**Introduced by Assembly Member Davis**

February 17, 2011

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An act to amend Section 25163.3 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 868, as introduced, Davis. Hazardous waste: transportation.

Existing law provides that a person who initially collects hazardous waste at a remote site and transports it to a consolidation site operated by a generator and who complies with certain notification requirements is exempt from specified manifest and transporter registration requirements with regard to the hazardous waste if specified conditions are met. One of those conditions is that not more than 275 gallons or 2,500 pounds, whichever is greater, of hazardous waste is transported in a single shipment, except that a generator who is a public utility, local publicly owned utility, or municipal utility district is authorized to transport a greater amount, including in a single shipment up to 1,600 gallons of hazardous wastewater from the dewatering of one or more utility vaults.

This bill would revise that condition to increase the maximum weight amount to 10,000 pounds and would increase the maximum gallon hazardous wastewater exception amount from that dewatering to 5,000 gallons.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 25163.3 of the Health and Safety Code is amended to read:

25163.3. A person who initially collects hazardous waste at a remote site and transports that hazardous waste to a consolidation site operated by the generator and who complies with the notification requirements of subdivision (d) of Section 25110.10 shall be exempt from the manifest and transporter registration requirements of Sections 25160 and 25163 with regard to the hazardous waste if all of the following conditions are met:

(a) The hazardous waste is a non-RCRA hazardous waste, or the hazardous waste or its transportation is otherwise exempt from, or is not otherwise regulated pursuant to, the federal act.

(b) The conditions and requirements of Section 25121.3 are met.

(c) The regulations adopted by the department pertaining to personnel training requirements for generators are complied with for all personnel handling the hazardous waste during transportation from the remote site to the consolidation site.

(d) The hazardous waste is transported by employees of the generator ~~or, by trained contractors under the control of the generator; in vehicles which~~ *that* are under the control of the generator, or by registered hazardous waste transporters. The generator shall assume liability for a spill of hazardous waste being transported under this section by the generator, or a contractor in a vehicle under the control of the generator or contractor. ~~Nothing in this subdivision bars any~~ *does not bar an* agreement to insure, hold harmless, or indemnify a party to the agreement for any liability under this section or otherwise ~~bars any~~ *bar a* cause of action a generator would otherwise have against any other party.

(e) The hazardous waste is not held at any interim location, other than another remote site operated by the same generator, for more than eight hours, unless that holding is required by other provisions of law.

(f) Not more than 275 gallons or ~~2,500~~ *10,000* pounds, whichever is greater, of hazardous waste is transported in any single shipment, except for the following:

(1) A generator who is a public utility, local publicly owned utility, or municipal utility district may transport up to ~~1,600~~ *5,000*

1 gallons of hazardous wastewater from the dewatering of one or  
2 more utility vaults, or up to 500 gallons of any other liquid  
3 hazardous waste in a single shipment.

4 (2) A generator who is a public utility, local publicly owned  
5 utility, or municipal utility district may transport up to 5,000  
6 gallons of mineral oil from a transformer, circuit breakers, or  
7 capacitors, owned by the generator, in a single shipment, if the oil  
8 does not exhibit the characteristic of toxicity pursuant to the test  
9 specified in subparagraph (B) of paragraph (2) of subdivision (a)  
10 of Section 66261.24 of Title 22 of the California Code of  
11 Regulations.

12 (g) A shipping paper containing all of the following information  
13 accompanies the hazardous waste while in transport, except as  
14 provided in subdivision (h):

15 (1) A list of the hazardous wastes being transported.

16 (2) The type and number of containers being used to transport  
17 each type of hazardous waste.

18 (3) The quantity, by weight or volume, of each type of hazardous  
19 waste being transported.

20 (4) The physical state, such as solid, powder, liquid, semiliquid,  
21 or gas, of each type of hazardous waste being transported.

22 (5) The location of the remote site where the hazardous waste  
23 is initially collected.

24 (6) The location of any interim site where the hazardous waste  
25 is held en route to the consolidation site.

26 (7) The name, address, and telephone number of the generator,  
27 and, if different, the address and telephone number of the  
28 consolidation site to which the hazardous waste is being  
29 transported.

30 (8) The name and telephone number of an emergency response  
31 contact, for use in the event of a spill or other release.

32 (9) The name of the individual or individuals who transport the  
33 hazardous waste from the remote site to the consolidation site.

34 (10) The date that the generator first begins to actively manage  
35 the hazardous waste at the remote site, the date that the shipment  
36 leaves the remote site where the hazardous waste is initially  
37 collected, and the date that the shipment arrives at the consolidation  
38 site.

39 (h) A shipping paper is not required if the total quantity of the  
40 shipment does not exceed 10 pounds of hazardous waste, except

- 1 that a shipping paper is required to transport any quantity of
- 2 extremely or acutely hazardous waste.
- 3 (i) All shipments conform with all applicable requirements of
- 4 the United States Department of Transportation for hazardous
- 5 materials shipments.